

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	CC Docket 94-102
To Ensure Compatibility with Enhanced	)	
911 Emergency Calling Systems	)	
	)	
Waiver request, Great Western Cellular	)	

**COMMENTS OF NENA, APCO AND NASNA**

The National Emergency Number Association ("NENA"), the Association of Public-Safety Communications Officials-International, Inc. ("APCO") and the National Association of State Nine One One Administrators ("NASNA") hereby request that the Commission not act on the Petition for Waiver of Great Western Cellular Holdings, L.L.C.,<sup>1</sup> until a proper waiver showing is made. Great Western is a Tier III carrier eligible for consideration under the findings of the recent Stay Order generally extending time for compliance 13 months.<sup>2</sup> The company did not begin providing service until September of 2002 and is not expected to finish construction of its system until the end of next year.

NENA would not object to an extension comparable to that in the Stay Order but running from September 2002 instead of July. Similarly, account could be taken of the pace of the system build-out, if necessary. It occurs to us, however, that should a Phase II solution be chosen now, installing it as the system is constructed could be more economical than waiting through some grace period after operation begins.

---

<sup>1</sup> Petition for Waiver of the Commission's E911 Implementation Deadlines, November 6, 2002.

<sup>2</sup> Order to Stay, FCC 02-210, released July 26, 2002.

We must object, however, and believe the Commission should as well, to waiver petitions that meet none of the criteria wireless carriers have been asked to address.<sup>3</sup> Most egregiously, there is no specific and focused plan for coming into full compliance. Despite Great Western's claim that its waiver request "details the unavoidable delays Great Western is facing through no fault of its own," we find no such discussion in the three pages it has submitted. There is nothing to set Great Western apart from the other Tier III carriers who have been granted extensions of 13 months, and surely nothing to justify the indefinite additional time that the carrier appears to be requesting.

Unavailability of technology is not an acceptable reason. We know that Phase II solutions are being installed today for rural cellular carriers in comparable situations. At a minimum, Great Western should be asked to choose a path forward and to meet meaningful benchmarks along that path.

Respectfully submitted,

NENA, APCO AND NASNA

By \_\_\_\_\_  
James R. Hobson  
Miller & Van Eaton, P.L.L.C.  
1155 Connecticut Ave. N.W., Suite 1000  
Washington, D.C. 20036 (202) 785-0600  
Counsel for NENA and NASNA

Robert M. Gurss  
Shook Hardy & Bacon, L.L.P.  
600 14<sup>th</sup> Street N.W., Suite 800  
Washington, D.C. 20005 (202) 662-4856  
Counsel for APCO

December 3, 2002

**Certificate of Service**

By regular mail this date: Carla Levesque, 998 Westmeade Dr., Chesterfield, MO 63005.

\_\_\_\_\_  
James R. Hobson

<sup>3</sup> Fourth Memorandum Opinion and Order, FCC 00-326, released September 8, 2000, ¶¶42-45.